

CAUSE # SC-B-24ROGER FOUNTAIN  
Plaintiff

§

In the Small Claims Court

VS

§

Precinct Three, Place Two

ED ENRIQUEZ, d/b/a STATE FARM AGENT  
Defendant  
By Serving: ED ENRIQUEZ

Collin County, Texas

Registered Agent: ED ENRIQUEZPLAINTIFF'S STATEMENT OF CLAIMROGER FOUNTAIN, Plaintiff, whose Driver's License number is \*\* 072 and whose MAILING  
Last 3 #'saddress is: P.O. Box 868135 PLANO TX 75086 COLLIN TX  
Street City State Zip County Stateand telephone numbers are: 214-701-4531

Daytime

FAX

E-mail

ED ENRIQUEZ, DBA STATE FARM AGENT  
Defendant, whose Driver's License number is \*\* WK and whose  
Last 3 #'sPHYSICAL address is: 2351 W. NORTHWEST HWY DALLAS TX 75220  
Street City State ZipDALLAS County, Texas, 214-350-7111 and is justly indebted to the Plaintiff in the sum of:  
Phone Number\$ 5,000.00 plus court costs of \$ 250.00 for reason(s) of: VIOLATIONS OF THE TEXAS  
STATE AND NATIONAL DO NOT CALL REGISTRIES, VIOLATIONS  
OF THE TCPA, AND I CERTIFY THAT THIS DOCUMENT IS A TRUE AND CORRECT

plus attorney fees if applicable.

AND there are no counterclaims existing in favor of the Defendant(s) against Plaintiff(s) or the COURT

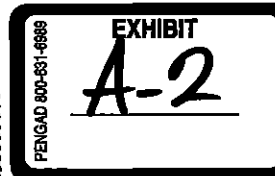
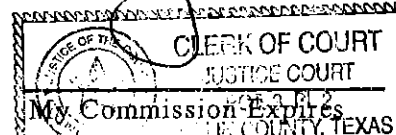
Plaintiff(s) request(s) a judgment for a sum of money against Defendant's, plus reasonable attorney fees, plus all costs of court, plus post-judgment at the highest legal rate.

Plaintiff (SIGNATURE MUST BE NOTARIZED AT COURT or PRIOR TO FILING)

On this the day, the above named person appeared and swore on an affidavit under oath that the above information set out herein is true and correct.

Subscribed to and Sworn before me this 17th day of January, 2013

JP 3-2 Court Clerk OR Notary Public, Collin County, Texas



CASE NO. 32SC1324

AFFIDAVIT SECTION 201 (b)

Plaintiff being duly sworn on oath deposes and says that defendant (s):

(Please check the ONE that applies, sign below as Plaintiff  
and have this form Notarized)

☒ is NOT in the military.

☐ is NOT on active duty in the military and/or

☐ is NOT in a foreign country on military service.

☐ is on active military duty and/or is subject to the  
Service members Civil Relief Act of 2003.

☐ defendant has waived his rights under the  
Service members Civil Relief Act of 2003.

☐ military status is unknown at this time.

2013 JAN 17 AM 11:31  
JUSTICE COURT  
PCT. 3 PL. 2  
COLLIN COUNTY, TEXAS

FILED

  
PLAINTIFF


Sworn to and subscribed before me on the 17<sup>th</sup> day of January, 2013.

STATE OF TEXAS  
COUNTY OF COLLIN

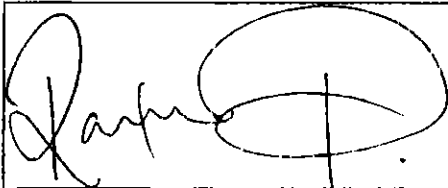
I CERTIFY THAT THIS DOCUMENT IS A TRUE AND CORRECT  
COPY OF THE RECORDS OF THE JUSTICE OF THE PEACE  
COURT PCT. THREE PLACE TWO OF COLLIN COUNTY, TEXAS  
AND THAT THE ORIGINAL DOCUMENT IS IN THE OFFICE OF  
THE COURT.

NOTARY PUBLIC SIGNATURE

SEAL

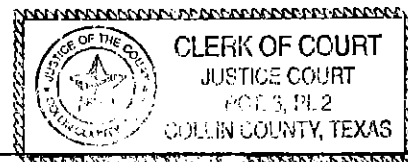
  
CLERK OF COURT  
JUSTICE COURT PCT. 3-2  
COLLIN COUNTY, TEXAS

OR



CLERK OF THE COURT

CLERK SEAL



Penalty for making or using false affidavit -- a person who makes or uses an  
affidavit knowing it to be false, shall be fined as provided in the Title 18 United  
States Code, or imprisoned for not more than one year, or both.

THE STATE OF TEXAS

CITATION

TO THE DEFENDANT: **ED ENRIQUEZ DBA STATE FARM AGENT**

GREETINGS:

"YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU (OR YOUR ATTORNEY) DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TEN DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU"

YOU ARE HEREBY COMMANDED to be and appear before me, a Justice of the Peace, in and for Precinct 3-2, Collin County, Texas, at or before Ten O'clock A.M., on the Monday next after the expiration of 10 days from the date of service hereof, then and there to answer to the petition of the plaintiff.

Type of Case: **Small Claims**  
Docket Number: **32-SC-13-00024**

STYLE

Plaintiff

**ROGER FOUNTAIN**

**P. O. BOX 868135  
PLANO, TEXAS 75086**

**Represented by:**

Defendant

**ED ENRIQUEZ DBA STATE FARM AGENT**

**2351 W NORTHWEST HWY  
SUITE 3360  
DALLAS, TEXAS 75220**

**Represented by:**

Filed on **January 17, 2013.**

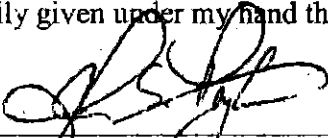
The nature of the plaintiff's demand being suit upon: See Attached Petition

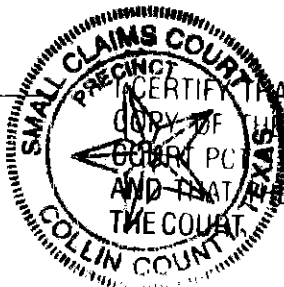
For \$ 5,000.00; 31.00 Court Costs; Attorney's fees TBD.

Date Citation Issued: **January 17, 2013**

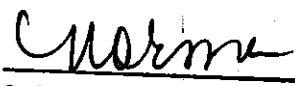
Citation Placed in the Hands of: PLAINTIFF FOR CERTIFIED MAIL/RRR SERVICE

Officially given under my hand this 17th day of January, 2013.

  
**JUDGE JOHN E. PAYTON**  
**Justice Court 3-2**  
**920 E. Park Boulevard**  
**Suite 210**  
**Plano, Texas 75074**  
**972-881-3180**



THIS DOCUMENT IS A TRUE AND CORRECT  
RECORDS OF THE JUSTICE OF THE PEACE  
THREE PLACE TWO OF COLLIN COUNTY, TEXAS  
AND THAT THE ORIGINAL DOCUMENT IS IN THE OFFICE OF

  
**CLERK OF COURT**  
**JUSTICE COURT PCT. 3-2**  
**COLLIN COUNTY, TEXAS**

32-SC-13-24

## SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

STATE FARM  
ED. ENRIQUEZ  
2351 W. Northurst Hwy  
Ste 3360  
DALLAS, TX 75220

## 2. Article Number

(Transfer from service label)

7012 3050 0000 7498 2134

## COMPLETE THIS SECTION ON DELIVERY

## A. Signature

X *Violeta Rodriguez* ☐ Agent  
B. Received by (Printed Name) *Violeta Rodriguez* ☐ Addressee

C. Date of Delivery

1/23/13

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

## 3. Service Type

- ☐ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Judge John Ayton  
Justice Court  
Precinct 3, Place 2  
920 E. PARK BLVD  
Ste # 210  
PLANO, TX 75074

2013 JAN 25 PM 2:26  
JUSTICE COURT  
PCT. 3 PL. 2  
COLLIN COUNTY, TEXAS

FILED

I CERTIFY THAT THIS DOCUMENT IS A TRUE AND CORRECT COPY OF THE RECORDS OF THE JUSTICE OF THE PEACE COURT PCT THREE PLACE TWO OF COLLIN COUNTY, TEXAS AND THAT THE ORIGINAL DOCUMENT IS IN THE OFFICE OF THE COURT.

*[Signature]*  
CLERK OF COURT  
JUSTICE COURT PCT. 3-2  
COLLIN COUNTY, TEXAS

Eduardo R. Enriquez  
State Farm Insurance Agent  
2351 W Northwest Hwy Suite 3360  
Dallas, TX 75220  
214.263.0331 - Cell

FILED  
2013 JAN 28 PM 1:51  
JUSTICE COURT  
PCT. 3 PL. 2  
COLLIN COUNTY, TEXAS

The Honorable Judge John E. Payton  
Justice Court 3-2  
920 E. Park Boulevard  
Suite 210  
Plano, TX 75074

RE: Docket Number 32-SC-13-00024 – Plaintiff, Roger Fountain; Defendant, Ed Enriquez

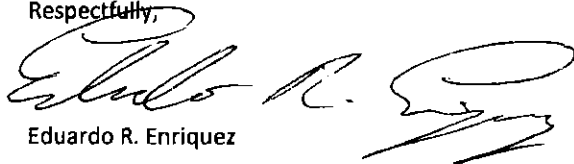
Dear Judge Payton,

I deny all allegations asserted in the Plaintiff's Statement Of Claim submitted by Mr. Roger Fountain.

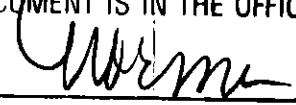
The facts associated with his frivolous claim are as follows:

- 1) Neither I nor anyone in my office called Mr. Fountain to solicit business. The Company who actually called Mr. Fountain is Instant Insurance Marketing (IIM). IIM is a telemarketing service based in Los Angeles, California (10801 National Boulevard #405 Los Angeles, CA 90064, telephone# 888.408.0252). The attached document shows an IIM representative contacted Mr. Fountain on January 09, 2013 at 10:09:57 AM.
- 2) I contacted the President of IIM, Jeff Schaffer, after receiving the citation. Mr. Schaffer will be sending me supporting documentation that shows Mr. Fountain gave permission to be contacted by third-party business partners. As per FTC Consumer Information listed on their Web site, "calls...would still be permitted, as would calls from companies with which you have an existing business relationship, or those to whom you've provided express agreement in writing to receive their calls."
- 3) A transcript of the conversation that the IIM representative had with Mr. Fountain will be provided that shows Mr. Fountain agreed to proceed with an auto insurance quote. At which point, he was transferred to my office to commence the auto quote process. At no point did a representative from my office or I contact Mr. Fountain directly to solicit business.

Respectfully,

  
Eduardo R. Enriquez

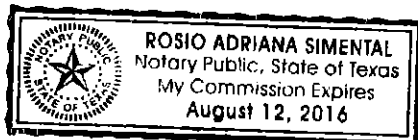
I CERTIFY THAT THIS DOCUMENT IS A TRUE AND CORRECT COPY OF THE RECORDS OF THE JUSTICE OF THE PEACE COURT PCT THREE PLACE TWO OF COLLIN COUNTY, TEXAS AND THAT THE ORIGINAL DOCUMENT IS IN THE OFFICE OF THE COURT.

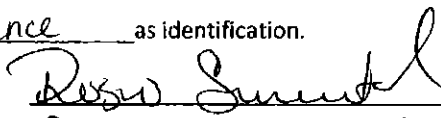
  
CLERK OF COURT  
JUSTICE COURT PCT. 3-2  
COLLIN COUNTY, TEXAS

State of Texas  
County of Dallas

This instrument was acknowledged before me this 25<sup>th</sup> day of January, 2013, by Eduardo Enriquez  
\_\_\_\_ Personally known or he Produced Drivers Licence as identification.

(Notary Seal)



  
Rosio Simental  
Notary Public, State of Texas

http://instanttransfers.com/anyproductdisplay.php?id=405

File Edit View Favorites Tools Help

Home My ARS Insurance Lead Feed x

Insurance Lead Feed x

Page Safety Tools

**NOT A STATE BAR ATTORNEY**

CERTIFY THAT THIS DOCUMENT IS A TRUE AND CORRECT COPY OF THE RECORDS OF THE JUSTICE COURT PCT. THREE PLACE TWO OF COLLIN COUNTY, TEXAS AND THAT THE ORIGINAL DOCUMENT IS IN THE OFFICE OF THE COURT.

CLERK OF COURT  
JUSTICE COURT PCT. 3-2  
COLLIN COUNTY, TEXAS

### Current system status:

#### ATTENTION:

because of the recent technical issues with our upgrades, all leads received on 1/23 and 1/24 are free of charge and have been credited to your account! Thank you for your patience!

All systems are now online!  
(as of 01/25 @ 15:00 GMT)

By viewing and using this page, you agree to our latest policy and conditions found here. (updated 10/10/2010)

Daily Cap: 5 Leads per day average  
Lead criteria: PREFERRED DRIVERS  
Days Running: W Th F

Zip code targeting: YES  
Capacity: 3 Agents  
Email notifications to: ed.enriquez.rh@statefarm.com

Customer: Enriquez  
Currently set to run: YES  
Transfer number: (214) 350-7111  
Phone code(s): 214 469 972 682

TERRELL WILSON  
6020 W PARKER RD  
PLANO TX 75023  
(214) 701-4531

JOHN ROBERTS  
6020 W PARKER RD  
PLANO TX 75023  
(214) 701-4531

JERROD BARBER  
700 NICKELVILLE LN  
WYLLIE TX 75098  
(214) 202-9224

ROBERTA MEDINA  
1903 MEADOW GLEN  
KIRKING TX 75060  
(214) 514-5505

E MACKEY  
731 LEHONS ST  
CEDAR HILL TX 75104  
(214) 498-4618

Vehicle: 2004 Ford Taurus  
Year: 2004  
Make: Ford  
Model: Taurus

Vehicle: 2006 Dodge Ram 1500  
Year: 2006  
Make: Dodge  
Model: Ram 1500

Vehicle: 1988 Toyota Corolla  
Year: 1988  
Make: Toyota  
Model: Corolla

Vehicle: 1991 GMC Pickup  
Year: 1991  
Make: GMC  
Model: Pickup

Vehicle: 2000 Ford F150  
Year: 2000  
Make: Ford  
Model: F150

Vehicle: 05 Chrysler  
Year: 2005  
Make: Chrysler  
Model: Chrysler

Driver is: Preferred Driver  
Other remarks: Currently with Altima Clean record  
DOB: 10/31/73

Driver is: Preferred Driver  
Other remarks: Currently with Altima Clean record  
DOB: 10/31/74

Driver is: Preferred Driver  
Other remarks: Currently with Altima Clean record  
DOB: 3/1/81

Driver is: Preferred Driver  
Other remarks: Currently with Altima Clean record  
DOB: 9/26/67

Driver is: Preferred Driver  
Other remarks: Currently with Altima Clean record  
DOB: 04/14/75

Driver is: Preferred Driver  
Other remarks: Currently with Altima Clean record  
DOB: 02/11/50

Low priority  
No status specified  
No customer notes entered...  
2013-01-09 11:27:01 By:1021

Low priority  
No status specified  
No customer notes entered...  
2013-01-09 10:44:36 By:1011

Low priority  
No status specified  
No customer notes entered...  
2013-01-09 10:09:57 By:1019

Low priority  
No status specified  
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2013-01-09 08:27:29 By:1025

Low priority  
No status specified  
No customer notes entered...  
2013-01-08 13:04:49 By:1019

Low priority  
No status specified  
No customer notes entered...  
2013-01-08 09:52:45 By:1029

2013 JAN 28 PM 1:52

JUSTICE COURT  
PCT. 3-2  
COLLIN COUNTY, TEXAS

Manage Lead  
Request Credit

Manage Lead  
Request Credit

Manage Lead  
Approved

Manage Lead  
Request Credit

Manage Lead  
Request Credit

Manage Lead  
Request Credit

Internet Protected Mode Off

11:25 AM  
1/25/2013

FILED

CAUSE NO. 32-SC-13-00024

Roger C. Fountain,

Plaintiff,

vs.

Ed Enriquez,  
d/b/a State Farm Agent,

Defendants.

I CERTIFY THAT THIS DOCUMENT IS A TRUE AND CORRECT  
COPY OF THE RECORDS OF THE JUSTICE OF THE PEACE  
COURT PCT THREE PLACE TWO OF COLLIN COUNTY, TEXAS  
AND THAT THE ORIGINAL DOCUMENT IS IN THE OFFICE OF  
THE COURT.

CLERK OF COURT  
JUSTICE COURT PCT. 3-2  
COLLIN COUNTY, TEXAS

In the Small Claims Court

2013 APR 15 PM 12:55

JUSTICE COURT  
PCT. 3-PL. 2  
COLLIN COUNTY, TEXAS

Precinct Three, Place Two

Collin County, Texas

**DEFENDANT'S SPECIAL EXCEPTIONS  
TO PLAINTIFF'S STATEMENT OF CLAIM**

Defendant, Ed Enriquez, files his special exceptions to Plaintiff Roger C. Fountain's  
Statement of Claim, and respectfully states as follows:

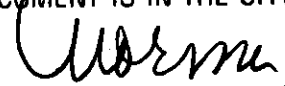
**I.**

**LEGAL AUTHORITY**

1. Under Texas Rules of Civil Procedure 90 and 91, special exceptions are the proper means for challenging the sufficiency of a plaintiff's pleadings. *Friesenhahn v. Ryan*, 960 S.W.2d 656, 658 (Tex. 1998); *Adams v. First Nat'l Bank of Bells/Savoy*, 154 S.W.3d 859, 876 (Tex.App.—Dallas 2005, no pet.). The purpose of special exceptions is to inform the opposing party of defects in its pleadings so the party can cure them, if possible, by amendment. *Horizon/CMS Healthcare Corp. v. Auld*, 34 S.W.3d 887, 897 (Tex. 2000). "The purpose of special exceptions is to furnish the adverse party a medium by which to force clarification of pleadings when they are not clear or sufficiently specific." *Villarreal v. Martinez*, 834 S.W.2d 450, 451 (Tex.App.—Corpus Christi 1992, no writ). If the plaintiff cannot cure the defect by amendment, the Court may dismiss the claims with prejudice. See *Joseph E. Seagram & Sons, Inc. v. McGuire*, 814 S.W.2d 385, 385--86 (Tex. 1991); *Hickman v. Myers*, 632 S.W.2d 869, 869-

70 (Tex. App.—Fort Worth 1982, writ ref'd n.r.e.). The court is not required to give the plaintiff an opportunity to amend if the pleading defect is one that cannot be cured by amendment (e.g., a pleading asserts an unrecognized cause of action). *Mowbray v. Avery*, 76 S.W.3d 663, 678. Defendant asks the Court to sustain its special exceptions and dismiss Plaintiff's claims of "violations of Texas state and National do not call registries, violations of the TCPA, and phone harassment because they are not viable under Texas law, or, in the alternative require Plaintiff to cure all pleading defects.

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THE COURT.



### SPECIAL EXCEPTIONS

CLERK OF COURT  
JUSTICE COURT PCT. 3-2  
COLLIN COUNTY, TEXAS

**Special Exception No. 1:** Defendant specially excepts to Plaintiff's claim for "violations of Texas state and National do not call registries." See *Exhibit 1*, Plaintiff's Statement of Claim, p. 1. Plaintiff's Statement of Claim fails to clearly and sufficiently specify the statutes giving rise to his "do not call" claims. See *Villarreal*, 834 S.W.2d at 451. In other words, Defendant does not have sufficient information to properly defend against Plaintiff's claims. Defendant requests that the Court require Plaintiff to cure all pleading defects by specifically alleging the statutes giving rise to his claims, or in the alternative, dismiss Plaintiff's "do not call" claims if Plaintiff fails to cure.

**Special Exception No. 2:** Defendant specially excepts to Plaintiff's claim under the "TCPA." See *Exhibit 1*, Plaintiff's Statement of Claim, p. 1. Plaintiff's Statement of Claim fails to clearly and sufficiently specify a cause of action and, in fact, Defendant is unable to ascertain what statute Plaintiff is referencing as the "TCPA." See *Villarreal*, 834 S.W.2d at 451. Again, Defendant does not have sufficient information to properly defend against Plaintiff's claims. Defendant requests that the Court require Plaintiff to cure all pleading defects by specifically



alleging the statute giving rise to his "TCPA" claim, or in the alternative, dismiss Plaintiff's "TCPA" claim if Plaintiff fails to cure.

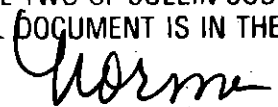
**Special Exception No. 3:** Defendant specially excepts to Plaintiff's claim for "phone harassment." See *Exhibit 1*, Plaintiff's Statement of Claim, p. 1. Plaintiff's Statement of Claim fails to clearly and sufficiently specify what statute gives rise to his claim for "phone harassment." See *Villarreal*, 834 S.W.2d at 451. Again, Defendant does not have sufficient information to properly defend against Plaintiff's claim. Defendant requests that the Court require Plaintiff to cure all pleading defects by specifically alleging the statute giving rise to his "phone harassment" claim, or in the alternative, dismiss Plaintiff's "phone harassment" claim if Plaintiff fails to cure.

### III.

#### PRAYER

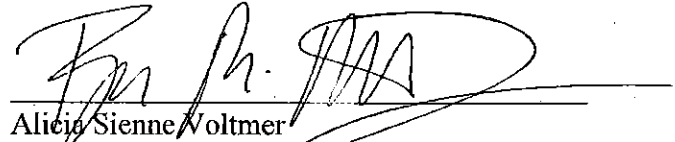
WHEREFORE, PREMISES CONSIDERED, Defendant prays that the Court sustain its special exceptions and require that Plaintiff cure all pleading defects within 5 business days, or in the alternative, if Plaintiff fails to cure all pleading defects that the Court dismiss Plaintiff's claims with prejudice. Defendant further prays that Plaintiff take nothing from his suit against Defendant, and that costs be assessed against Plaintiff. Defendant further prays for such other and further relief, general and specific, at law or in equity, to which Defendant is justly entitled.

I CERTIFY THAT THIS DOCUMENT IS A TRUE AND CORRECT COPY OF THE RECORDS OF THE JUSTICE OF THE PEACE COURT PCT. THREE PLACE TWO OF COLLIN COUNTY, TEXAS AND THAT THE ORIGINAL DOCUMENT IS IN THE OFFICE OF THE COURT.

  
CLERK OF COURT  
JUSTICE COURT PCT. 3-2  
COLLIN COUNTY, TEXAS

Respectfully submitted,

**OGLETREE, DEAKINS, NASH, SMOAK &  
STEWART, P.C.**



Alicia Sienne-Voltmer

Texas State Bar No. 00797605

Ryan M. Miller

Texas State Bar No. 24070281

8117 Preston Road, Suite 500

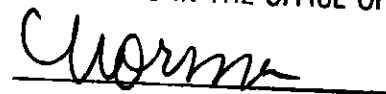
Dallas, Texas 75225

Telephone: (214) 987-3800

Fax: (214) 987-3927

**ATTORNEYS FOR DEFENDANT**

I CERTIFY THAT THIS DOCUMENT IS A TRUE AND CORRECT  
COPY OF THE RECORDS OF THE JUSTICE OF THE PEACE  
COURT PCT. THREE PLACE TWO OF COLLIN COUNTY, TEXAS  
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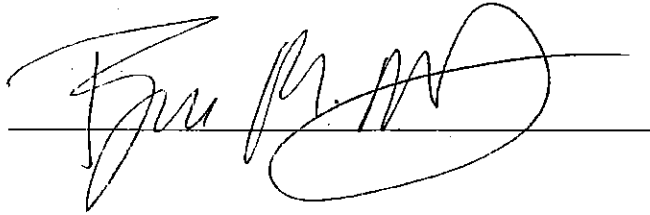


CLERK OF COURT  
JUSTICE COURT PCT. 3-2  
COLLIN COUNTY, TEXAS

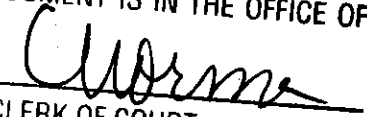
**CERTIFICATE OF SERVICE**

I hereby certify that on April 11, 2013, a true and correct copy of the foregoing document has been filed with the Court and served on *pro se* Plaintiff by certified mail, return receipt requested and regular mail, as follows:

Roger C. Fountain  
P.O. Box 868135  
Plano, Texas 75086

A handwritten signature in black ink, appearing to read "Roger C. Fountain", is written over a horizontal line.

I CERTIFY THAT THIS DOCUMENT IS A TRUE AND CORRECT  
COPY OF THE RECORDS OF THE JUSTICE OF THE PEACE  
COURT PCT. THREE PLACE TWO OF COLLIN COUNTY, TEXAS  
AND THAT THE ORIGINAL DOCUMENT IS IN THE OFFICE OF  
THE COURT.

A handwritten signature in black ink is written over a horizontal line.

CLERK OF COURT  
JUSTICE COURT PCT. 3-2  
COLLIN COUNTY, TEXAS

# Ogletree Deakins

OGLETREE, DEAKINS, NASH,  
SMOAK & STEWART, P.C.

*Attorneys at Law*

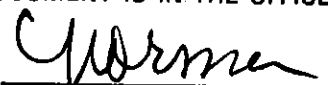
Preston Commons West  
8117 Preston Road, Suite 500  
Dallas, TX 75225  
Telephone: 214.987.3800  
Facsimile: 214.987.3927  
www.ogletreedekins.com

Ryan M. Miller  
214.624.1145  
ryan.miller@ogletreedekins.com

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COPY OF THE RECORDS OF THE JUSTICE OF THE PEACE  
COURT, 2013 THREE PLACE TWO OF COLLIN COUNTY, TEXAS  
AND THAT THE ORIGINAL DOCUMENT IS IN THE OFFICE OF  
THE COURT.

*Via Federal Express*

Clerk  
Justice of the Peace Court, Precinct 3-2  
Collin County Courthouse  
920 E. Park Blvd., Suite 210  
Plano, TX 75074

  
CLERK OF COURT  
JUSTICE COURT PCT. 3-2  
COLLIN COUNTY, TEXAS

Re: *Roger C. Fountain v. Ed Enriquez dba State Farm Agent*, Case No. 32-SC-13-00024, in Small Claims Court, Precinct Three, Place Two, Collin County, Texas

Dear Clerk:

Please find enclosed the original and two copies of Defendant's Special Exceptions to Plaintiff's Statement of Claim. Please file the original among the Court's papers in this matter, and return a file-marked copy to me using the enclosed envelope.

By copy of this letter, a copy of Defendant's Special Exceptions to Plaintiff's Statement of Claim is being served on all parties in this matter as listed below.

Best regards,

  
Ryan M. Miller

RMM/yeb  
Enclosures

cc w/Enclosure via *U.S. Mail* and *Certified Mail*, RRR # 7196 9008 9111 5161 4407:

Roger C. Fountain  
P.O. Box 868135  
Plano, TX 75086

From: (214) 987-3800  
Yolanda E. Bables  
Ogletree Deakins  
8117 Preston Road, Suite 500  
Dallas, TX 75225

Origin ID: TRLA



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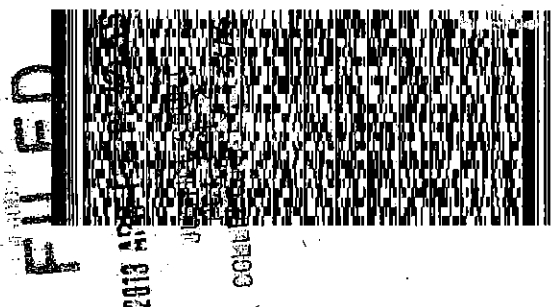
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COURT PCT THREE PLACE TWO OF COLLIN COUNTY, TEXAS  
AND THAT THE ORIGINAL DOCUMENT IS IN THE OFFICE OF  
THE COURT.

*Cherna*  
CLERK OF COURT  
JUSTICE COURT PCT. 3-2  
COLLIN COUNTY, TEXAS

CASE NO: 32-SC-13-00024

ROGER FOUNTAIN  
*Plaintiff*

vs.

ED ENRIQUEZ DBA STATE FARM AGENT  
*Defendant*

§ IN THE SMALL CLAIMS/JUSTICE COURT  
§ PRECINCT THREE, PLACE TWO  
§ COLLIN COUNTY, TEXAS

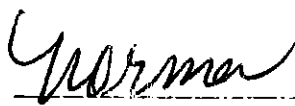
**ORDER SETTING MOTION HEARING FOR  
DEFENDANT'S SPECIAL EXCEPTIONS TO PLAINTIFF'S STATEMENT OF CLAIM**

The plea having been presented and duly considered, the Court is of the opinion that a hearing on same is necessary.

IT IS THEREFORE ORDERED that said Plea is set for hearing on the 3rd day of June, 2013 at 11:00 AM in the JUSTICE COURT, PRECINCT 3, PLACE 2, COLLIN COUNTY, TEXAS, JUDGE JOHN E. PAYTON AT 920 E. PARK BOULEVARD, SUITE 210, PLANO, TEXAS, 75074.

SIGNED this 19th day of April, 2013

  
JUDGE JOHN E. PAYTON  
Justice of the Peace 3-2

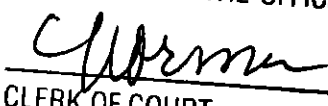
  
Norma, Legal Clerk  
972-881-3180

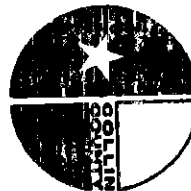
Notices Mailed/Faxed To:

ROGER FOUNTAIN  
PO BOX 868135  
PLANO TX 75086

RYAN M. MILLER  
PRESTON COMMONS WEST  
8117 PRESTON ROAD  
SUITE 500  
DALLAS, TX 75225

I CERTIFY THAT THIS DOCUMENT IS A TRUE AND CORRECT COPY OF THE RECORDS OF THE JUSTICE OF THE PEACE COURT PCT THREE PLACE TWO OF COLLIN COUNTY, TEXAS AND THAT THE ORIGINAL DOCUMENT IS IN THE OFFICE OF THE COURT.

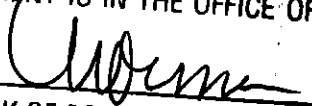
  
CLERK OF COURT  
JUSTICE COURT PCT. 3-2  
COLLIN COUNTY, TEXAS



Justice Court  
Precinct 3, PCT. 3-2  
920 E. Park Street, Suite 210  
Plano, Texas 75075

Ryan W. Küller  
Preston Commons West  
8117 Preston Road  
Suite 500  
Dallas TX 75225

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THE COURT.

  
CLERK OF COURT  
JUSTICE COURT PCT. 3-2  
COLLIN COUNTY, TEXAS



Justice Court  
Precinct 3, Precinct 2  
920 E. Pat. Blvd., Suite 200  
Plano, Texas 75074

ROGER FOUNTAIN  
PO BOX 868135  
PLANO TX 75086

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COURT PCT THREE PLACE TWO OF COLLIN COUNTY, TEXAS  
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THE COURT.

CLERK OF COURT  
JUSTICE COURT PCT. 3-2  
COLLIN COUNTY, TEXAS



# AMENDED

## CAUSE # SC- 13-24

ROGER FOUNTAIN  
Plaintiff

VS

ED ENRIQUEZ aka STATE FARM AGENCY  
Defendant

By Serving: ED ENRIQUEZ

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Wormer  
CLERK OF COURT  
JUSTICE COURT PCT 3-2  
COLLIN COUNTY, TEXAS

### PLAINTIFF'S STATEMENT OF CLAIM

ROGER FOUNTAIN, Plaintiff, whose TX Drivers License number is \_\_\_\_\_  
State

and Social Security number is \*\*\*-\*\*-185 and whose MAILING address is \_\_\_\_\_  
last 3 numbers

P.O. Box 248,35 PLANO TX 75024  
Street City State Zip

COLLIN (County) Texas, and telephone numbers are \_\_\_\_\_

214-701-4531 (Home) 214-556-3623 (FAX) rcfountain@live.com

ED ENRIQUEZ aka STATE FARM, Defendant, whose PHYSICAL address is \_\_\_\_\_

2351 W. FARMER WEST HWY, #3360, DALLAS TX 75210  
Street City State Zip  
DALLAS County, Texas, 214-350-7111 and whose WK Drivers License  
Phone Number State

number is \*\*\*\*\* WK and Social Security number is \*\*\*-\*\*-WK and is justly  
last 3 numbers last 3 numbers

indebted to the Plaintiff in the sum of: \$5,000.00 plus court costs of \$ TBA

for reason(s) of VIOLATIONS OF THE TEXAS NO CALL LIST SPECIFICALLY VIOLATIONS OF THE FEDERAL DO NOT CALL REGISTRY SPECIFICALLY FURNISHING PHONE INTERNAL DO NOT CALL LIST/REGISTRY/GUIDELINES, 47 U.S.C. § 227(a)(5) PHONE HARASSMENT, THE TELEPHONE CONSUMER PROTECTION ACT, 15 U.S.C. § 1692, INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS AND Sec. 64 (2006) (2)(vi) plus attorney fees if applicable. 47 U.S.C. § 227(c)(5) Sec 64 (2006) (2)(i) Sect 227

Roger Fountain  
Plaintiff (SIGNATURE MUST BE NOTARIZED AT COURT or PRIOR TO FILING)

On this the day, the above named person appeared and swore on an affidavit under oath that the above information set out herein is true and correct.

Subscribed to and Swore before me this 3rd day of June

[Signature]  
JP 3-2 Court Clerk OR Notary Public, Collin County, Texas

My Commission Expires \_\_\_\_\_

